

REMARKS**Claims Amendment**

Claim 17 has been cancelled. This amendment introduces no new matter.

Restriction Requirement is Traversed

The Examiner issued a requirement for restriction of the present invention. The Examiner restricted the claims into Group I (Claims 13-22 to an electrolyte membrane), Group II (Claims 23-31 to a membrane electrode), and Group III (Claim 32, drawn to a fuel cell).

Applicants traverse the restriction requirement. Applicants note that the base claims of each group, namely Claims 13, 23 and 32 share the same steps. As such, Claims 13, 23 and 32 share the special technical feature under PCT Rule 13.2. Rule 13.2 defines the “special technical feature” as a technical feature that defines *a contribution which the invention, considered as a whole, makes over the prior art*.

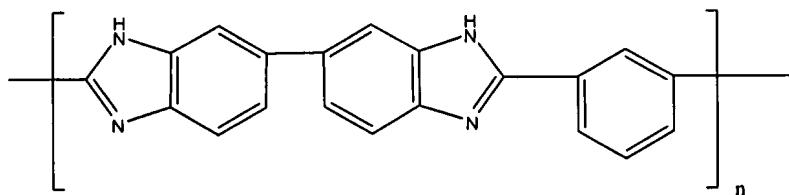
Applicants note that the International Examiner did not find unity of invention lacking. Furthermore, in order to show that the present claims lack unity of invention, the Examiner needs to demonstrate that the special technical feature shared by Claims 13, 23 and 32 is not novel in view of prior art. No such demonstration has been made. Accordingly, Applicants submit that the restriction is improper. Moreover, Applicants note that because Claims 13, 23 and 32 share the same steps, examination of these claims places no additional burden on the Examiner. Applicants request a rejoinder of Groups I, II and III.

Response to the Restriction Requirement

Responsive to the restriction requirement, Applicants hereby elect the invention of Group I, Claims 13-22, for further prosecution on merits.

Responsive to the requirement for election of species for the purposes of searching, Applicants elect:

- (1) The polymer of the following formula



as a species of the polymer used in step (a) of Claims 13, 23 and 32 (the first formula on page 16 of the English-language translation of the specification as filed); claims readable on the elected species are Claims 13-22.

(2) Vinylphosphonic acid as a species of the vinyl-containing phosphonic acid; claims readable on the elected species are Claims 13-22.

(4) Noble metals as a species of catalytically active particles (as disclosed on page 34, lines 10-11 of the English translation of the specification as filed); claims readable on the elected species is Claim 22. In the event that the Examiner's request for a "single ultimate species" is to be interpreted as a species exemplified by the experimental section, Applicants elect platinum as a species of catalytically active particles. (See Example 25, page 48, lines 17-18 of the English translation of the specification.)

With respect to species (3), a species of the crosslinking monomer, Applicants cancelled Claim 17. As a result, the requirement for the election of a species of the crosslinking monomer issued by the Examiner is moot.

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated:

5/3/07